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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,081	08/20/2004	Dennis Scott Prince		5080
23971	7590	01/16/2008		
BENNETT JONES C/O MS ROSEANN CALDWELL 4500 BANKERS HALL EAST 855 - 2ND STREET, SW CALGARY, AB T2P 4K7 CANADA				
			EXAMINER BELLAMY, TAMIKO D	
			ART UNIT 2856	PAPER NUMBER
			MAIL DATE 01/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/711,081	PRINCE, DENNIS SCOTT	
	Examiner	Art Unit	
	Tamiko D. Bellamy	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-39 is/are allowed.
- 6) ☒ Claim(s) 40-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/23/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 40-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilbert et al. (2002/0169557).

Re claim 40, Gilbert et al. discloses measuring a concentration of a emission using a sensor (12P) that is moving through a defined area (Pg. 2, pars. 20-21). Gilbert et al. discloses tracking the position of the movement of the sensor (12P), and mapping a plurality of tracked positions of the sensor (12P) (Pg. 2, par. 20 -21).

Re claim 41, Gilbert et al. discloses the defined area is out doors, and the tracking comprises monitoring the movement of the sensor (12P) with a GPS device (Pg. 2, pars. 20-21).

Re claim 42, Gilbert et al. discloses the defined area is in a building/, and the tracking comprises receiving a signal from a transmitter associated with the sensor (Pg. 1, last tree lines; Pg. 2, pars. 20-21).

Re claim 43, Gilbert et al. discloses the emission comprises a compound indicative of an explosive (Pg.2, par. 23).

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3. Claims 44-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimbell (4,127,780).

Re claim 44, as depicted in fig. 5A, Kimbell discloses monitoring an output of a sensor (60) during a first exposure condition (e.g., sample air or other fluid), and determining a rate of change for the sensor (Col. 8, lines 16-40). Kimbell discloses monitoring the output from a sensor (60) for a second exposure condition (e.g., directing reference or fresh air) (Col. 8, lines 7-15; 45-47). Kimbell discloses determining the differences in rate of change to determine the concentration of the gas (Col. 8, lines 16-57).

Re claim 45, Kimbell discloses a graph corresponding to the differences in rates of change (Col. 8, lines 47-51).

Re claim 46, Kimbell discloses the sample comprises a sample of the gas (e.g., sample air or other fluid) and another compound (e.g., reference or fresh air) (Col. 8, lines 7-47).

Re claim 47, Kimbell discloses the second exposure condition (e.g., reference or fresh air contained in sealed housing 71) eliminates the other compound from the sample (housing 72 containing sample).

Re claim 48, Kimbell discloses subjecting the sensor (60) to a sample comprising a sample (sample air or other fluid) and a plurality other compounds (e.g., reference or fresh air) (Col. 8, lines 45-47).

Re claim 49, Kimbell discloses the first exposure condition comprises a sample of gas (e.g., sample air or other fluid) and the second exposure condition comprises a

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sample (e.g., reference or fresh air) of a known concentration (Col. 7, lines 36-42; Col. 8, lines 7-37).

Re claims 50 and 51, as depicted in fig. 3B, Kimbell discloses the second exposure condition (e.g., reference or fresh air/fluid) that amplified the response of the sensor (60) (Col. 8, lines 33-37).

Re claim 52, as depicted in fig. 5A, Kimbell discloses a plurality of sensors (60, 70) configured to measure a different gas (e.g., reference or fresh air , and sample air or other fluid.

Allowable Subject Matter

4. Claims 28-39 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

Re claim 28, the independent claim includes “generating one or more wind vectors based on said measured changes in wind velocity; collating said measured concentrations with said wind vectors to generate an emissions plot; and defining boundaries for one or more plumes on said emissions plot wherein said one or more plumes are indicative of an emission source” in combination with the remaining claim limitation is not taught and/or made obvious by the prior art.

Re claim 32, the independent claim includes “generating a trajectory for the emission based on the measured emission concentrations and wind vectors; projecting back along the trajectory and correlating one or more points along the trajectory as sources of a possible emission; and validating one of the points as a source of emission”

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in combination with the remaining claim limitation is not taught and/or made obvious by the prior art.

Re claim 36, the independent claim includes “generating two or more trajectories for the emission based on the measured emission concentrations and wind vectors; overlapping two or more trajectories to provide an area of overlap; and determining the source of the emission from the overlap area” in combination with the remaining claim limitation is not taught and/or made obvious by the prior art.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Tamiko Bellamy

T.B.
January 9, 2008

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